



Supreme Court of Kentucky

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9th Annual Lawyers Diversity Luncheon hosted by the Northern Kentucky NAACP/Northern Kentucky Bar Association and Northern Kentucky Bar Foundation

Chief Justice John D. Minton Jr.
Remarks

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Thomas More College
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Good afternoon and thank you all for inviting me for such a worthwhile celebration. I applaud the collaborative work of the Northern Kentucky Branch of the NAACP, the Northern Kentucky Bar Association and the Northern Kentucky Bar Foundation to support and encourage ethnic minority high school students interested in practicing law as a future career. I am encouraged by the fact that both the local NAACP branch and the Northern Kentucky Bar Foundation have made scholarships available for minority students at NKU's Chase Law School. Partnerships like this do make a difference in diversifying the legal profession in Kentucky.

Diversity within the legal profession is the topic I came to discuss with you today but first I want to reflect on this year's luncheon theme, One Nation, One Dream. It draws inspiration from two sources of great significance to all Americans: the Pledge of Allegiance and Dr. Martin Luther King's I Have a Dream speech.

We are all familiar with the Pledge of Allegiance, having etched the words into our minds by early and regular recitation. The pledge is such a staple of our public celebrations that we may be guilty of reciting it without appreciating the meaning of the words. The pledge is at once an oath of loyalty to our flag as a patriotic symbol of our county and an affirmation of faith in the vision of "one nation under God, indivisible, with liberty and justice for all."

We are also familiar with Dr. King's speech delivered during the 1963 March on Washington. We recall the familiar quotes of Dr. King's vision of equality, his dream for brotherhood among all men and his hope that one day children will no longer be "judged by the color of their skin, but by the content of their character."

But what lies at the heart of Dr. King's speech – truly the underlying theme of his public ministry – is his desire for a world where there is, indeed, liberty and justice for all. Dr. King spoke about coming to the nation's capital to “cash a check” – what he referred to as the “promissory note” written by “architects of our republic” – that guaranteed to all the “unalienable rights of life, liberty and the pursuit of happiness.”

Quoting the Hebrew prophet Amos, Dr. King declared that we should not rest until “justice rolls down like waters, and righteousness like a mighty stream.” And he emphasized his dream “that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident, that all men are created equal.’ ”

So incorporating the Pledge of Allegiance and Dr. King's I Have a Dream speech into the theme for today's luncheon is fitting. The idea of one nation, one dream captures the vision that upon pledging our allegiance to this nation we also affirm the ideals of our republic as so eloquently articulated by Dr. King – liberty; justice for all; the unalienable rights of life, liberty and the pursuit of happiness; and the truth that all persons are created equal.

With this theme in mind, I would like to speak to you briefly about the issue of diversity in the legal profession. I use the word issue because ethnic diversity in the legal profession in Kentucky is not a reality, but a problem that needs to be solved.

We have seen a number of studies and reports commissioned, task forces and committees convened and objectives announced promoting a goal of a racially diverse legal profession. But in 2011, especially here in Kentucky, we can't assess with any degree of accuracy our progress toward that goal. We don't have true statistics because the Kentucky Bar Association has never been called upon to collect demographic data on Kentucky lawyers. The estimate that I hear cited during discussions on diversity is that only 2 percent of the lawyers in Kentucky – so approximately 320 of the 16,000 lawyers licensed in the commonwealth – are considered minorities.

The KBA Board of Governors has recently taken a significant step forward with respect to increasing diversity by commissioning the Diversity in the Profession Committee to meet on a quarterly basis to explore ways to improve diversity among the lawyers and judges in Kentucky.

The KBA committee follows in the footsteps of national committees such as the American Bar Association's Commission on Racial and Ethnic Diversity in the Profession that was created in 1986.

In 2001, the ABA created the Center for Racial and Ethnic Diversity as a “coordinating body for diversity efforts throughout the ABA.”¹ And in 2009, the ABA held the Presidential Diversity Summit to discuss the next steps for diversity in the legal profession.

¹ American Bar Association, Presidential Diversity Initiative, “Diversity in the Legal Profession: The Next Steps,” 2009-2010.

The result was a report prepared by members of the Presidential Commission on Diversity. The commission members consisted of a variety of lawyers and judges from different ethnic and cultural backgrounds who were tasked with working under the ABA's new goal to "eliminate bias and enhance diversity" by promoting "full and equal participation in the association, our profession, and the justice system by all persons" and eliminating "bias in the legal profession and the justice system."²

The commission's report focused on diversity in different sectors of the legal profession, including law schools, law firms, corporate law departments, bar associations, government and the judiciary. Some of the statistics cited in the report were highly disappointing. For instance, the report notes that "from a racial/ethnic perspective, whites constitute about 70 percent of working people over age 16."³ But "they represent 89 percent of all lawyers and 90 percent of all judges, according to 2009 census data."⁴

Despite efforts to increase diversity, the report found that racial diversity in the legal profession has actually "slowed considerably since 1995."⁵ The report highlights some of the trends with diversity initiatives in the law, including the disturbing fact that "the recession is drying up monies for diversity initiatives and creating downsizing and cutbacks" among law firms,⁶ and that the increasing cost of legal education has made the "debt burden" of attending law school prohibitive for many minorities.⁷

The ABA committee agrees that there needs to be an emphasis in the legal community to improve dramatically the "pre-school through advanced degree pipeline" by emphasizing "law and civic engagement," aiming "to keep diverse students in school," facilitating "the involvement of students' families" and helping "all students improve their academic performance to pursue higher education."⁸

I commend the Northern Kentucky Branch of the NAACP, the Northern Kentucky Bar Association and the Northern Kentucky Bar Foundation for recognizing this need and proactively encouraging high school students to pursue their dreams of a legal career. And I challenge you to take this cause further to help ensure that the future of the legal profession in Kentucky resembles the rest of our population.

The "overarching" conclusion of the ABA commission's report proclaims an overarching truth: "A diverse legal profession is more just, productive and intelligent because diversity, both cognitive and cultural, often leads to better questions, analyses, solutions and processes."⁹ The committee makes several recommendations for addressing the need for improved diversity in the legal profession, including the understanding that achieving diversity is an "ongoing and evolving" mission rather than a static goal, and that we need

² *Id.*

³ *Id.* at 3.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 10.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 3.

to focus on a “paradigm shift along the educational pipeline”¹⁰ to ensure success among current and future law students.

For several years during more prosperous economic times, the Supreme Court of Kentucky under Chief Justice Lambert’s leadership supported from our operating budget appropriation the Kentucky Legal Education Opportunity – or KLEO – scholarship for 15 law students each year.

KLEO provided annual stipends for five diverse students at each of Kentucky’s law schools. Through the tireless efforts of Professor Allison Connelly at the UK College of Law, along with many others, the KLEO program also offered an intensive summer institute – a boot camp – to help give KLEO scholars the tools they needed to succeed during their first semester in law school.

Because of the state budget crisis and reductions in the Judicial Branch operating budget, the Supreme Court was forced to make several painful cuts over the past two years, including the elimination of nearly 200 jobs. We were also forced to cease funding for several beneficial programs, including juvenile and family drug courts and the KLEO program.

Although we committed to continue funding stipends for KLEO scholars already in the program, we have been unable to provide new stipends for entering first-year law students. Thankfully, through the efforts of the KBA and the resourcefulness of the deans at our Kentucky law schools, Professor Connelly has been able to maintain the KLEO summer institute for the past two summers. She hopes to continue this program as an incentive for diverse students to continue applying to and entering a Kentucky law school.

The elimination of KLEO is one of the many cuts to the Judicial Branch that I regret. But, unfortunately, it was necessary to allow the Kentucky Court of Justice to fulfill its constitutional and statutory duties within the confines of the appropriation granted by the General Assembly. I am hopeful that we will continue finding the revenue sources to keep the KLEO program alive to encourage diversity among our law students and within the legal profession.

I encourage all of you to continue your support for diversity along the educational pipeline to ensure that diversity in the legal profession does not suffer.

We have a long way to go to reach the goal of a racially diverse bench and bar in Kentucky. But with the efforts of the various bar associations, individual lawyers and dedicated members of the community, I am confident we can achieve racial diversity in the legal profession so that liberty and justice is a reality for all members of our society.

Thank you.

¹⁰ *Id.* at 12.